**Remarks**

The present invention is directed to methods of repairing dystrophic, differentiated neural tissue, such as a damaged or diseased retina or optic nerve, in humans and other animals. In particular, the invention relates to the introduction of adult-derived neural progenitor cells into a dystrophic neural tissue site of an animal recipient. These adult-derived neural progenitor cells can functionally and morphologically integrate into both mature and immature, dystrophic neural tissue.

Claims 1-25 were pending before this communication. The present status of all claims in the application is provided in the listing of claims presented herein beginning on page 2.

The alleged lack of unity of invention of claims 1-25 under 35 U.S.C. §§ 121 and 372, and PCT Rule 13.1 is respectfully traversed. Contrary to the Examiner's assertion, it is respectfully submitted that the claims are all linked via a single general inventive concept, *i.e.*, the introduction of neural progenitor cells derived from an adult donor into dystrophic tissue in a recipient.

The claims of Groups I and II could all be prosecuted together as these claims are all directed to methods of therapy that rely on the use of adult-derived neural progenitor cells. Therefore, all of the claimed methods involve at least one special technical feature, *i.e.*, use of this special cell population, which at least in part defines the contribution of the present invention over the prior art. Accordingly, claims 1-25 all share a critical technical relationship that is a core element of the present invention.

The Examiner's assertion that the " 'special technical feature' of groups I and II is not contributed by the present invention over the prior art" is respectfully submitted to be in error. The Examiner's reliance on Martinez-Serrano *et al., J. Neurosci.* 15:5668-5680, 1995 (hereinafter referred to as "Martinez-Serrano") in support of this assertion is to no avail as Martinez-Serrano is not relevant to the present claims. While the present claims require use of neural progenitor cells derived from an adult donor, Martinez-Serrano teaches a complex procedure of introducing nerve growth factor into already established *in vitro* cell lines, *e.g.*, HiB5 cells, to artificially create neural progenitor cell lines.

Similarly, the Examiner's reliance on U.S. Patent Application Publication No. US 2002/0004039 by Reid *et al.* (hereinafter referred to as "Reid") in further support of this assertion is to no avail as Reid is also not relevant to the present claims. While the present claims require use of neural progenitor cells derived from an adult donor, Reid merely teaches that a patient's own neural progenitor cells can be induced to function in particular manners by contacting them with a polypeptide that binds the epidermal growth factor receptor.

Therefore, at least one special technical feature of the present invention, *i.e.*, use of adult-derived neural progenitor cells, makes a significant contribution over the prior art cited. Furthermore, all of the pending claims require this special technical feature, and therefore conform to the unity of invention requirements. Accordingly, Applicants respectfully request that claims 1-25 be combined into a single group as directed by PCT Rule 13.

However, in order to be fully responsive, Applicants elect Group I (claims 1 and 3-25) with traverse. Claim 2 and claims dependent thereon are retained herein pending final disposition of the elected claims.

## Conclusion

In view of the above remarks, reconsideration and withdrawal of the restriction requirement, and prompt and favorable action on all claims is respectfully requested. In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,

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